

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**DECLARATION OF PETER BECKER**

I, Peter Becker, under penalty of perjury, state as follows:

1. My name is Peter Becker. I am employed as a Senior Attorney in the Trademark Group, Legal and Corporate Affairs, Microsoft Corporation. My duties as an in-house attorney involve handling trademark matters for Microsoft.

2. This declaration is submitted in support of Microsoft Corporation's Notice of Removal in the above litigation. I have personal knowledge of the matters herein.

3. On December 15, 2009, Microsoft Corporation was a corporation incorporated in the State of Washington and had its principle place of business in Redmond, Washington. It continues to be a Washington corporation with its principal place of business in Redmond, WA.

4. In the days after December 15, 2009, I learned that Bing! Information Design, LLC had filed suit against Microsoft Corporation in Circuit Court in the City of St. Louis.

5. Later, I was routed a letter written by Anthony G. Simon, attorney for Bing! Information Design, LLC to Brad Smith, General Counsel, Microsoft concerning the lawsuit.

6. I contacted Mr. Simon by telephone. After initial conversations concerning scheduling, we had the opportunity to discuss the lawsuit in a substantive fashion. One of the

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topics that I raised with Mr. Simon was what his client wanted out of the lawsuit. Mr. Simon said that he would discuss the matter with his client and contact me.

7. On December 29, 2009, Mr. Simon sent me an email entitled, "Settlement Offer Bing v. Microsoft Case." Attachment 1 is a true and accurate copy of the email I received from Mr. Simon on December 29, 2009.

8. In the email, Mr. Simon offered to dismiss the lawsuit and opposition proceedings and release Microsoft from all related claims in return for a one-time payment in excess of \$75,000. The exact amount of the demand is set forth in the second paragraph of Attachment 1, which I have asked the court to file under seal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 14, 2010



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Peter Becker